

REMARKS

Reconsideration of this application is respectfully requested.

Pending Claims

Claims 17-28 are pending. Claims 1-16 have been canceled without prejudice or disclaimer. Claims 17 and 18 have been amended for clarification. New claims 19-28 recite the features of, and are supported by, canceled claims 2-6, 8-10, and 14-16. No new matter has been added.

Claim Rejections

Claims 1, 4, and 17 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Johnson et al. (U.S. Patent No. 4,595,392). The Examiner contends that Johnson discloses an interlabial pad having, *inter alia*, a rear surface sheet 8 (see Fig. 2), a sheet body attached to have a pair of opened portions (“area 4” of Fig. 2), and at least two fingertip insert openings (outside and between the points of attachment 4 in Fig. 3). Office Action at page 2, lines 13-20. Claims 1 and 4 have been canceled making their rejection moot. However, because Johnson does not teach each limitation of claim 17, Applicants traverse the rejection.

The sheet body of amended claim 17 is “lapped on said rear surface sheet” and is “attached to have a pair of opened portions” that form fingertip insert openings on right and left side edges symmetrically about the longitudinal axis. See, e.g., Figs. 2 and 6(A)-(D), which illustrate a sheet body according to one embodiment of the present invention. The Examiner fails to point specifically to where Johnson discloses a sheet body, only referring to “area 4” of Fig. 2. “Area 4,” where the absorbent body is secured to itself by adhesive securement dots 4, is not a “sheet body” and is not “lapped on said rear surface sheet,” alleged by the Examiner to be fluid impermeable

baffle 8. In rejecting claim 5, which recites a particular dimension of the sheet body (now found in new claim 22), the Examiner refers to “sheet body 7.” Office Action at page 4, lines 3-4. However, reference number 7 is a fluid permeable cover on the top surface of the absorbent body. *See* col. 2, lines 32-36; claim 1; and Figs. 1-2. Therefore, Johnson fails to teach or suggest a sheet body according to claim 17.

The Examiner “considers the point[s] of attachment 4 in Johnson as actually providing three areas where a finger can be inserted, two outside the point[s] of attachment and one inside the point[s] of attachment.” Office Action at page 2, lines 18-20. However, Johnson only teaches “the space between securement means 4” for inserting a finger. *See* col. 2, lines 44-47. Claim 17 requires a rear surface sheet, alleged by the Examiner to be baffle 8, and Johnson only teaches that the “baffle can be readily punctured in the area [not *areas*] used for digital insertion.” Col. 2, lines 56-57. Therefore, Johnson does not inherently teach a configuration that permits “a pair of fingertip insert openings” because there is only a single opening in the baffle.

Furthermore, the specification teaches that the interlabial pad of the present invention is folded in the longitudinal direction at the center of the lateral direction. Specification at page 4, lines 6-7. Claim 17 requires that the pair of fingertip insert openings formed by the opened portions “are provided at both side edges of said interlabial pad so as to be symmetrical with respect to said longitudinal axis.” “Claim terms are presumed to have the ordinary and customary meanings attributed to them by those of ordinary skill in the art. It is the use of the words in the context of the written description and customarily used by those skilled in the relevant art that accurately reflects both the ‘ordinary’ and ‘customary’ meaning of the terms in the claims.” MPEP § 2111.01 (citations

removed). Applicants submit that one of ordinary skill in the art would understand the interlabial pad of claim 17 to provide a pair of fingertip insert openings at side edges symmetrical with respect to the line along which the pad is folded.

The areas outside the attachment points of Johnson considered by the Examiner to provide fingertip insert openings lie in the longitudinal direction of the “cylindrical portion,” *see* Office Action at page 2, lines 13-19 and Fig. 3, rather than “symmetrical with respect to [the] longitudinal axis” as required by claim 17. In addition, these areas fail to be “provided at both side edges of [the] interlabial pad,” as is further required by claim 17. Therefore, even if the areas outside the points of attachments could be construed as fingertip insert openings, Johnson does not teach or suggest their positioning as required by claim 17.

“To anticipate a claim, the reference must teach every element of the claim.” MPEP § 2131. For the reasons given above, Applicants submit that Johnson fails to teach or suggest each limitation of amended claim 17 and respectfully request withdrawal of the rejection.

Claim 18, which has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson, is dependent from claim 17 and allowable for at least the same reasons.

New Claims

New claims 19-28 depend from claim 17 and are allowable for at least the same reasons.

CONCLUSION

In view of the above amendments and remarks, Applicants believe the pending application is in condition for allowance. If there are any remaining issues which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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